

Exhibit 1

Declaration of Constance Van Kley

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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA
HELENA DIVISION**

BOB BROWN; HAILEY SINOFF;
and DONALD SEIFERT,

Plaintiffs,

vs.

CHRISTI JACOBSEN, in her
official capacity as Montana
Secretary of State,

Defendant.

Cause No.

6:21-cv-92-PJW-DWM-BMM

**Declaration of
Constance Van Kley**

Pursuant to 28 U.S.C. § 1746, I, Constance Van Kley, declare as follows:

1. I make this declaration in support of the petition for attorney fees and other expenses filed by Plaintiffs in this case. I am competent to make this Declaration.
2. I received a J.D. from the University of Montana in 2017. I graduated first in my class and served as Co-Editor-in-Chief of the Montana Law Review. As a second- and third-year law student, I worked as Court Crier for the Honorable Dana L. Christensen, then Chief Judge of the District of Montana. The Montana Law Review has published my article *Article V, Section 12 of the Montana Constitution: Restoring Meaning to a Forgotten Provision*, 79 Mont. L. Rev. 115 (2018).
3. After graduation, I clerked for the Honorable Sidney R. Thomas, then Chief Judge of the Ninth Circuit Court of Appeals, for one year.
4. After completing my clerkship with Judge Thomas, I clerked for the Honorable Dana L. Christensen, then Chief Judge of the District of Montana, for two years.

5. After completing my clerkship with Judge Christensen, I entered private practice in August 2020 with the law firm of Crowley Fleck PLLP, where I was an Associate Attorney. In July 2021, I left Crowley Fleck PLLP to become Litigation Director for Upper Seven Law, a nonprofit law firm.
6. I was admitted to practice in the State of Montana on October 10, 2017. I am also admitted to practice in the United States District Court for the District of Montana, the Ninth Circuit Court of Appeals, and the United States Supreme Court.
7. As a trial and appellate law clerk, I regularly assisted with resolving cases brought under 42 U.S.C. § 1983. I currently am in the process of litigating other cases under 42 U.S.C. § 1983, including *Evenson-Childs et al. v. Ravalli County et al.*, 9:21-cv-DLC-KLD.
8. The area of federal civil rights is complex and specialized. It requires an understanding of the complexities of federal case law, statutes, and regulations.
9. I am requesting compensation at an hourly rate of \$275/hour. These rates are based on market rates in Montana for attorneys

with similar backgrounds and credentials. *See* Ex. 5, Aff. of Emily Cross.

10. I maintain detailed daily records for each tenth of an hour of work time. These records are broken down by time expended and general purpose of the work. The daily records of my work accompany this declaration as Exhibit 3.
11. In reviewing the daily time records for work performed in connection with this case, I have exercised billing judgment and eliminated excess and duplicative entries.
12. In my opinion, the professional hours detailed in my daily records were reasonably and necessarily expended for the preparation and successful presentation of this case. In my opinion, these hours would properly be charged to a commercial client. As detailed in Exhibit 3, the total number of hours expended is 303.8. At the rate explained above, and as detailed in Exhibit 3, my total fee request at this time is \$83,545.00.
13. Attached as Exhibit 4 is the timesheet provided to me by Plaintiffs' expert, Jim Regnier. Mr. Regnier agreed to provide expert services at the rate of \$300/hour. Mr. Regnier has recorded 17.6 hours of

work on this litigation. At the rate of \$300/hour, Plaintiffs' expert costs equal \$5,280.

14. I have maintained records of costs and other expenses incurred in this matter. In the exercise of billing judgment, I do not request reimbursement for costs other expenses related to Westlaw or PACER or telephone expenses. I request reimbursement for travel to a client meeting in Helena from my home in Missoula. The round-trip distance between Helena and Missoula is 226 miles. Calculated at the federal government rate of \$0.585/mile, my travel costs for this trip totals \$132.21.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 22nd day of March, 2022.

/s/ Constance Van Kley
Attorney for Plaintiffs